



CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Steve Tate, Mayor Pro Tempore
Hedy L. Chang, Council Member
Cynthia J. Cook Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chairperson
Greg Sellers, Vice-Chairperson
Hedy L. Chang, Agency Member
Cynthia J. Cook, Agency Member
Steve Tate, Agency Member

WEDNESDAY, APRIL 19, 2000

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

*A Special Meeting Is Called at 6:30 P.M. for the
Purpose of Conducting Library Commission
Interviews.*

Dennis Kennedy, Mayor/Chairperson

6:30 P.M.

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

OTHER BUSINESS:

1. 20 minutes APPOINTMENTS TO THE LIBRARY COMMISSION 1

Recommended Action:

1. **Interview** Applicants for the Library Commission;
2. **Mayor to Appoint** Candidates to Serve on the Library Commission. There Are Currently 4 Seats That Are Eligible for Appointment with Three Terms Expiring April 1, 2002 and One Term Expiring April 1, 2001;
3. It is Recommended That Nominations to Fill the Library Commission Vacancies be Made to the Mayor for His Consideration and Appointment Subject to the Approval of the Majority of the Council; and
3. A Resignation Was Received from a Library Commissioner and Requires a 20-day Filing Period. Staff Will Publicize the Vacancy and Return to Council for Interviews in Two Months.

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

Human Resources
Morgan Hill Police Department
Recreation

PROCLAMATIONS

National Volunteer Week
April 9 - 15, 2000
Karen Lengsfeld

CERTIFICATE OF RECOGNITION

Phyllis Thomas
City Clerk's Office

PRESENTATIONS

Earth Day Activities

1. South Valley Disposal & Recycling: *Recyclers of the Year*
2. Recognition of Poster Contest Winners
3. Announcement of "Recycling Days" April 21 and 22
Tony Eulo

Recreation Programs
Julie Spier

Leadership Morgan Hill Class 2000
Art Ala Carte project, May 7

CITY COUNCIL REPORT
 Council Member Sellers

INTERIM CITY MANAGER'S REPORT

INTERIM CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
 (See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE
 ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT
 IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #2 through #12 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time

Estimate

Page

Consent Calendar: 1 - 10 Minutes

- | | | |
|----|---|----|
| 2. | <u>MARCH FINANCE AND INVESTMENT REPORT</u> 27
<u>Recommended Action:</u> <u>Accept and file</u> report. | 27 |
| 3. | <u>AWARD BID AND AUTHORIZE THE PURCHASE OF “RUGGED” COMPUTER NOTEBOOKS</u> 53
<u>Recommended Action:</u>
1. <u>Award</u> the Bid in the Amount of \$29,795 to Purchase “Rugged” Computer Notebooks, and
2. <u>Authorize</u> the City Manager to Complete the Purchase. | 53 |
| 4. | <u>AMENDMENT TO ANNUAL MAINTENANCE CONTRACT WITH SALINAS PUMP COMPANY, INC. FOR WELL MAINTENANCE</u> 55
<u>Recommended Action:</u> <u>Approve</u> the Amendment to the Agreement Dated August 26, 1999 to Increase Maximum Compensation from \$30,000 to \$60,000. | 55 |
| 5. | <u>APPROVAL OF CONTRACT FOR PREPARATION OF DRINKING WATER SOURCE ASSESSMENT AND PROTECTION PROGRAM STUDY</u> 69
<u>Recommended Action:</u> <u>Approve</u> the Professional Services Contract with Luhdorff and Scalmanini, Consulting Engineers (LSCE) to Complete a Drinking Water Source Assessment and Protection Program (DWSAPP) Study. | 69 |

6.	<u>APPROVAL OF AMENDMENT #3 TO TRANSIT SHELTER ADVERTISING PROGRAM</u>	83
	Recommended Action: <u>Approve</u> Amendment #3 to Transit Shelter Advertising Program and Authorization of Interim City Manager to Execute the Amendment on Behalf of the City.	
7.	<u>MODIFICATION TO THE MAY CITY COUNCIL MEETING SCHEDULE</u>	91
	Recommended Action:	
	1. <u>Direct</u> Staff to Schedule a Special Meeting for May 10, 2000, and	
	2. <u>Direct</u> Staff to Post Notice of May 17, 2000 Meeting Cancellation.	
8.	<u>FINAL MAP ACCEPTANCE FOR CENTRAL PARK PH. IV (TRACT 9260)</u>	93
	Recommended Action:	
	1. <u>Approve</u> the Final Map, Subdivision Agreement and Improvement Plans,	
	2. <u>Authorize</u> the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City and	
	3. <u>Authorize</u> the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	
9.	<u>RECOGNIZING APRIL 22, 2000 AS “EARTH DAY”</u>	105
	Recommended Action:	
	1. <u>Adopt</u> Resolution No. 5376 Recognizing April 22, 2000 as “Earth Day,” and	
	2. <u>Direct</u> Staff to Forward a Copy of the Resolution to Earth Day Network, and Request That the City of Morgan Hill be Accepted as an “Earth Day 2000 Community.”	
10.	<u>AGREEMENT WITH THE STROMBOTNE LAW FIRM</u>	111
	Recommended Action: <u>Authorize</u> the Interim City Manager to Execute the Attached Consultant Agreement with the Stombotne Law Firm.	
11.	<u>UPDATE ON AMENDING CONTRACT WITH THE SANTA CLARA COUNTY FIRE DEPARTMENT TO PROVIDE PARAMEDIC-LEVEL SERVICE</u>	121
	Recommended Action: <u>Accept</u> Report.	
12.	<u>APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES FOR APRIL 10, 2000</u> ...	123

OTHER BUSINESS: (Continued)

13.	30 minutes	<u>PROPOSED MALAGUERRA PARK PROJECT</u>	125
		Recommended Action:	
		1. <u>Receive</u> Status Update;	
		2. <u>Direct</u> Staff to Pursue the Development of the Malaguerra Park Site as a Part of the Parks, Facilities and Recreation Programming Master Plan.	

PUBLIC HEARINGS:

	Time Estimate		Page
14.	2 minutes	<u>ANX 99-01: WEST MIDDLE-ROCHA/VIERRA (APN 779-03-133 & 134)</u> <u>Recommended Action:</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action - <u>Motion to Adopt</u> Resolution No. 5373 Approving the Alteration of Boundaries.	139

OTHER BUSINESS: (Continued)

	Time Estimate		Page
15.	2 minutes	<u>BEVERAGE CONTAINER RECYCLING FUNDING</u> <u>Recommended Action:</u> <u>Adopt</u> Resolution No. 5374 Authorizing the City Manager to Request Funding.	149
16.	2 minutes	<u>SPARE THE AIR PROGRAM PARTICIPATION</u> <u>Recommended Action:</u> <u>Adopt</u> Resolution No. 5375 in Support of the Bay Area Clean Air Partnership's (BayCAP) Efforts in Improving the Bay Area's Air.	155
17	15 minutes	<u>CONSIDERATION OF A COUNCIL MEMBER LIAISON TO THE HISTORICAL SOCIETY</u> <u>Recommended Action:</u> <u>Direct</u> Staff Regarding the Establishment of a Council Member Liaison Working with the Historical Society.	159
18	10 minutes	<u>REQUEST FROM SAN BENITO COUNTY BOARD OF SUPERVISORS RELATING TO DEVELOPMENT OF THE COYOTE VALLEY RESEARCH PARK</u> <u>Recommended Action;</u> 1. <u>Discuss</u> the Request by San Benito Count to Form an Alliance, and 2. <u>Direct</u> Staff to Prepare a Letter in Response.	163

City Council & Redevelopment Agency Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #19 through #20 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate		Page
		Consent Calendar: 1 - 10 Minutes	
19.		<u>APPROVAL OF SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR APRIL 5, 2000</u>	167
20.		<u>APPROVAL OF SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR APRIL 7, 2000</u>	169

OTHER BUSINESS:

21.	15 minutes	<u>AGREEMENT BETWEEN THE CITY AND INDEPENDENCE DAY INC. TO CO-SPONSOR JULY FOURTH CELEBRATION</u>	171
		Recommended Action: <u>Authorize</u> the Interim City Manager to Sign the Agreement to Co-sponsor the July Fourth Celebration and Support Independence Day Inc. by Contributing Funding and In-kind Services Not to Exceed \$11,500.	

Redevelopment Agency Action

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	Time Estimate		Page
		Consent Calendar: 1 - 10 Minutes	
22.		<u>AMENDMENT TO CONTRACT WITH THE H.O.M. GROUP</u>	179
		Recommended Action: <u>Authorize</u> the Executive Director to Amend the Contract with the H.O.M. Group in an Amount Not to Exceed \$5,600.	

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

Time
Estimate

10 minutes **1. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

Legal Authority:
Real Property(ies) involved:

Government Code 54956.8 & 54956.9(c) (1potential case)
 APN 728-31-007 & 008; 25.50 acres located on the
 southwesterly side of Mission View and Cochrane Road; and
 APN 728-31-009 - 12.88 acres located on the southeast
 corner of Cochrane and Highway 101 (St. Louise Hospital
 property)

City Negotiators:

Agency Members; Interim Executive Director; Interim

	Closed Session Topic:	Agency Counsel; and F. Gale Conner, special counsel Potential Litigation
		2.
10 minutes	CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to subdivision (b)(3)(E) of Government Code Section 54956.9: (1 case) Attendees:	Agency Board; Interim Executive Director; Interim Agency Counsel; Director of Business Assistance and Housing Services; Chief of Police, and William Strausz, special counsel
		3.
15 minutes	CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY TRANSACTION Legal Authority: Real property(ies) involved: Agency Negotiators: Closed Session Topic:	Government Code Section 54956.8 <i>The Father's House</i> , First United Pentecostal Church APN 767-18-044 271 West Edmundson Avenue Interim City Manager/Interim Executive Director; Interim City Attorney/Agency Counsel; Director of Business Assistance & Housing Services; Recreation Manager Acquisition of Real Property
		4.
5 minutes	CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY TRANSACTION Legal Authority: Real property involved: Agency Negotiators: Closed Session Topic:	Government Code Section 54956.8 Apostolic Assembly of Faith Church Property APN 726-13-002 17060 Monterey Road, Morgan Hill Mayor/Chairman, City Council/Agency Members, Interim City Manager/Interim Executive Director, Director of Business Assistance & Housing Services Acquisition of Real Property
		5.
20 minutes	CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Legal Authority: Title of Case: Case No. Attendees:	Government Code 54956.9(a) Larry Farrow v. Paradise Motel et al. C99-20527 JW-EAI Council Members; Interim City Manager; Interim City Attorney, Police Chief

CLOSED SESSION ANNOUNCEMENT:

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT